



Jill M. Lyon
Vice President and General Counsel
202-833-6808
jill.lyon@utc.org

October 23, 2001

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, N.W. , Room TW-A325
Washington, D.C. 20554

**Re: Notice of Ex Parte Communication
Land Mobile Balanced Budget Act Proceeding
(WT Docket No. 99-87)
Allocation of former Federal Government Spectrum
(ET Docket No. 00-221)**

Dear Ms. Salas:

On October 23, 2001, Bryan Tramont, Senior Legal Advisor to Commissioner Kathleen Q. Abernathy, spoke before a meeting of the Public Policy Division of the United Telecom Council. As part of a general discussion with UTC members, the above-referenced proceedings were mentioned.

Mr. Tramont provided a general status report on the pending decision concerning 27 MHz of former federal government spectrum (ET Docket No. 00-221). UTC has filed comments seeking portions of the 1.4 GHz band for private land mobile and/or utility telemetry operations, and has urged that any auction of the 1392-95/1432-35 MHz band be limited to band managers. UTC has also recommended that existing telemetry and land mobile operations in the 216-220 MHz band be permitted to expand their operations over any creation of a new service. However, UTC did not discuss its position in this proceeding during today's meeting with Mr. Tramont.

UTC and its members also mentioned the FCC's *Report and Order*, released in November 2000, concerning the impact of Balanced Budget Act of 1997 amendments on private land mobile bands. UTC is pleased that the FCC extended the definition of "public safety radio services" to include private internal wireless services used by critical infrastructure entities such as utilities and pipelines. However, members noted that the resulting auction exemption has little meaning with no availability of spectrum, either through new allocations or revised eligibility in existing public safety frequency bands. This position is included in UTC's Petition for Reconsideration and Clarification in this proceeding, filed February 1, 2001.

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This notice is provided pursuant to Section 1.1206 of the Commission's Rules and Regulations, 47 C.F.R. § 1.1206. If there are any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

/s/

Jill M. Lyon

Vice President and General Counsel

cc: Bryan Tramont, Esq.